

Senate Bill No. 987

CHAPTER 83

An act to amend Sections 131010, 131100, 131103, 131241, and 131285 of the Public Utilities Code, relating to transportation.

[Approved by Governor July 19, 2005. Filed with
Secretary of State July 19, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

SB 987, Migden. County transportation authorities.

The Bay Area County Traffic and Transportation Funding Act authorizes each of the 9 counties in the bay area to impose a 1/2 or 1% sales tax for transportation purposes, subject to voter approval. Existing law provides for the establishment of a county transportation authority in each county imposing a sales tax under these provisions, requires the development of a county transportation expenditure plan, and specifies the powers and duties of a county board of supervisors and the county transportation authority in this regard. Existing law generally requires the proceeds of the tax to be expended in the county of origin, except that the County of San Mateo may spend a portion of its tax proceeds in another county if so provided in its county transportation expenditure plan.

This bill would authorize any of the 9 counties to spend a portion of its tax proceeds in another county if so provided in its county transportation expenditure plan. The bill would also authorize the membership of the county transportation authority to be specified in the tax ordinance, would authorize the authority to be the sponsoring agency for projects included in the expenditure plan, and would change the existing threshold for contracts to be competitively bid to \$75,000.

The people of the State of California do enact as follows:

SECTION 1. Section 131010 of the Public Utilities Code is amended to read:

131010. "Sponsoring agency" means a governmental agency, including a county transportation authority, that has transportation responsibilities in the county in which a retail transactions and use tax ordinance has been approved pursuant to this division.

SEC. 2. Section 131100 of the Public Utilities Code is amended to read:

131100. (a) The Legislature, by the enactment of this chapter intends a county transportation authority or the commission, pursuant to a county transportation expenditure plan adopted pursuant to Section 131055, to use any additional funds provided by this chapter to supplement existing local

revenues being used for public transportation purposes listed in the plan. The Legislature further intends that the funds provided pursuant to this chapter shall not replace funds previously provided by property tax revenues for public transportation purposes. The nine-county San Francisco Bay area is further encouraged to maintain its existing commitment of local funds for public transportation purposes.

(b) Any tax revenue generated pursuant to this chapter shall be expended in the county of origin, except that tax revenue generated may be expended within and outside the county of origin if so provided in the adopted county transportation expenditure plan. However, the tax revenues may be exchanged for federal or state funds available to another county or local government for transportation purposes if the exchange will benefit the county of origin.

(c) (1) In order to receive funds from the Counties of Alameda and Contra Costa and the City and County of San Francisco pursuant to this chapter, the San Francisco Bay Area Rapid Transit District shall agree to match from federal, state, or other funds available to the district, at least as much as it receives from the additional funds provided by this chapter from those counties.

(2) The funds the district received pursuant to this chapter, and its matching funds therefor, shall be used only for capital expenditures.

SEC. 3. Section 131103 of the Public Utilities Code is amended to read:

131103. The county, in the retail transactions and use tax ordinance, shall state the nature of the tax to be imposed and shall specify the purposes for which the revenues derived from the tax will be used, and may state the membership of the county transportation authority.

SEC. 4. Section 131241 of the Public Utilities Code is amended to read:

131241. (a) The county transportation authority shall consist of the members who are elected officials as specified in the county transportation expenditure plan or in the retail transactions and use tax ordinance, and shall be appointed by each constituent local government within 45 days after the authority is created.

(b) At the first meeting of the county transportation authority, one-half of the members, and the odd-numbered member if the membership of the county transportation authority is odd-numbered, shall be selected by lot to serve terms consisting of the remaining months of the current calendar year, if any, plus two years, and the remaining members shall be selected by lot to serve a term consisting of the remaining months of the current calendar year, if any, plus three years. Thereafter, appointments for all members shall be for two-year terms, beginning on January 1.

(c) If any member or alternate member ceases to be an elected official, that member shall cease to be a member of the county transportation authority, and another member shall be appointed for the remainder of the term by the constituent local government that that member represents.

(d) An alternate may be designated for each regular member. A regular member who, pursuant to the county transportation expenditure plan, serves by virtue of holding a specified public office, may designate a person to serve as his or her alternate. In the case of any other regular member, the appointing constituent local government may designate an alternate to the regular appointed member. The alternate's term of office shall be the same as that of the regular member. When the regular member is not present at the meeting of the authority, the alternate may act as the regular member and shall have all the rights, privileges, and responsibilities of the regular member.

SEC. 5. Section 131285 of the Public Utilities Code is amended to read:

131285. Contracts for the purchase of supplies, equipment, and materials in excess of seventy-five thousand dollars (\$75,000) shall be awarded to the lowest responsible bidder after competitive bidding, except in an emergency declared by the vote of two-thirds of the voting membership of the county transportation authority.